IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

WP(C).No. 20743 of 2006(T)

EP.71/2002 of SUB COURT, HOSDRUG

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PETITIONER/JUDGMENT DEBTOR:

M. RAVI, AGED 47 YEARS,
S/O. KARIKUTTY, RESIDING AT PALAYI P.O.,
PUTHARIYADUKKAM, PEROLE VILLAGE,
HOSDURG TALUK, KASARAGOD DISTRICT.

BY ADV. SRI.SURESH KUMAR KODOTH

RESPONDENTDECREE HOLDER:

THE NEELESWAR SERVICE CO-OPERATIVE
BANK REPRESENTED BY ITS SECRETARY,
HEAD OFFICE, NEELESWAR,
NEELESWAR P.O., KASARAGOD DISTRICT.

BY ADV. SRI.T.R.RAMACHANDRAN NAIR
SRI.V.G.ARUN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC 20743/06

PETITIONER'S EXHIBITS:

EXT. P1	**CERTIFIED COPY OF THE EXECUTION PETITION AND THE PROCEEDINGS OF THE EXECUTING COURT ALONG WITH TYPED COPY OF THE PROCEEDINGS**
EXT. P2	**TRUE COPY OF THE PETITION EA 219/06**
EXT. P3	**CERTIFIED CARBON COPY OF THE ORDER DT. 28.7.06 IN EA 219/06**

/TRUE COPY/

K.P. Balachandran, J.

W.P.(C)No. 20743 of 2006 T

JUDGMENT

This writ petition is filed by the judgment debtor in E.P.No.71/02 on the file of the Sub Court, Hosdurg, assailing Exhibit P3 order passed on Exhibit P2 application filed by him for re-calling the warrant issued against him. Warrant was being repeated against the petitioner on several occasions and finally, he filed Exhibit P2 application before the execution court on 28.7.2006 by paying an amount of Rupees ten thousand and praying for re-calling the warrant issued against him.

2. When the matter came up for final hearing before me, counsel for the respondent/decree holder submitted that they are amenable to the balance debt being discharged in monthly instalments and that is agreed to by the counsel for the petitioner as well.

In the result, I dispose of this writ petition directing the petitioner/judgment debtor to discharge the balance debt by making payments at the rate of Rupees twelve thousand per month on or before 10th of every calendar month beginning with April 2007. In case of default in payment of any one of the instalments on the due date, the petitioner will forfeit the benefit of discharging the balance debt in instalments and the decree shall become executable as against him by personal execution.

13th March, 2007 (K.P.Balachandran, Judge)

tkv